

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LERIN PIERCE,

Plaintiff-Appellant,

vs.

AMENDED
NOTICE OF APPEAL

CITY OF NEW YORK, IVAN MERCADO
AND SONIA BELARDO,

16-5703 (RJB)

Defendants-Appellees,

and IVAN TAQI,

Defendant.
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NOTICE IF GIVEN that Plaintiff, Lerin Pierce, appeals to the United States Court of Appeals for the Second Circuit from the Judgment of the District Court of the Eastern District of New York, dated May16, 2018 (entered May 22, 2019). This final judgment brings up on review part of the judgment, i.e., Memorandum Decision and Order of Judge Brian M. Cogan dated December 11, 2017. This order that vacated the jury verdict in favor of plaintiff granted a new trial for defendant Belardo under Fed. R.Civ. Pro. 59; dismissed defendant Mercado from the action under Fed. R. Civ. Pro. 50; and held that other pending motions were moot and denied them as such. The jury's dismissal of the claims against Ivan Taqi are not part of this appeal.

Plaintiff conditonally appeals such part of the proceedings below by, (1) Judge Brian M. Cogan's ruling that denied plaintiff's use of treating physicians to testify as expert witnesses under Fed. R. Civ. Pro. 26(a)(2)(B); and (2) Judge Raymond J. Dearie's denying plaintiff's request to instruct the jury under a recklessness standard as had been allowed in the first trial,

and despite Judge Raymond J. Dearie's holding – over plaintiff's objection – that all of the rulings in the first trial would be the same in the second trial.

If the first paragraph of this notice is not reversed, plaintiff asks for a new trial based on the asserted errors in the second paragraph.

Dated: New York, New York
28 May 2019

Dated: Glendale, New York
28 May 2019

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